

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

FAO-2866-2007

Date of Decision:02.09.2019

Sandip Singh

... Petitioner

Vs.

Priya Krishan and others

... Respondents

CORAM : HON'BLE MS. JUSTICE RITU BAHRI

Present : Mr. Sukhbir Singh, Advocate
for the appellant.

Mr. Rajbir Singh, Advocate
for respondent No.3.

RITU BAHRI, J. (Oral)

The appellant has come before this Court seeking enhancement of compensation awarded by Motor Accident Claims Tribunal, Patiala (hereinafter referred to as 'the Tribunal') vide award dated 17.01.2007 whereby he has been awarded a compensation of ₹ 2,50,000/- on account of injuries received by him in a motor vehicular accident which took place on 06.03.2003.

Facts not in dispute

2. Brief facts of the case are that on 6.3.2003 at about 8 P.M., a bus bearing No.PB 11C-9548 of Pepsu Road Transport Corporation, Patiala coming from Pehowa at a fast speed and was being driven rashly and negligently by Priya Krishan, the driver of the bus. The bus hit the appellant/claimant and his leg was fractured from two places. The doctors declared 60% disability. The appellant was operated upon twice.

3. The parties are not in dispute with regard to finding given by the Tribunal in respect of issue No.1 to the effect that claimant suffered injuries in the alleged accident. After the accident, DDR was stated to be lodged by ASI Jaswinder Singh under Sections 279/337/338.

Compensation assessed by the MACT

4. Compensation has been assessed as under:

Particulars	Amount (in ₹)
Compensation for permanent disability	₹ 1,30,000/-
Compensation for medical expenses and treatment in different hospitals	₹ 50,000/-
Compensation for pain and sufferings	₹ 20,000/-
Compensation for loss of earnings and loss of business prospects	₹ 20,000/-
Compensation for loss of marital prospects	₹ 30,000/-
Grand Total	₹ 2,50,000/-

5. The injured Sandip Singh (appellant) received injuries in the alleged accident attributed to respondent No.1-Priya Krishan is not only supported by Dr. Harish Tuli PW-1, Dr. Gurdeep Singh PW-2 of Amar Hospital with record but also proved by disability certificate issued by Sh. Leela Dhar Jr. Assistant of Civil Surgeon Office, Patiala Ex.P-25 issued by Sh. Leela Dhar Jr. Assistant of Civil Surgeon Office, Patiala. shows that it is a case involving lower limb and the permanent physical disability i.e. 60%.

6. The compensation of ₹ 2,50,000/- awarded by Motor Accident Claims Tribunal, Patiala, i.e. on the lower side as in respect of disability requires to be reassessed in view of the fact that disability is on the lower limb i.e. 60% and qua physical disability as per the judgment of the Supreme Court in the case of **National Insurance Company Ltd.** v. **Pranay Sethi and others;** passed in Special Leave Petition (Civil) No.25590 of 2014, decided on October 31, 2017 as well as **Magma General Insurance Co. Ltd.** v. **Nanu Ram alias Chuhru Ram;** 2018 (4) RCR Civil 837, it has been held that disability suffered by the injured who is about 22 years of age, the same can be assessed qua the whole body. Therefore, 40% compensation is to be assessed by applying minimum wages i.e. ₹ 2500/-

prevalent in the State at the time of accident.

Reassessed compensation

7. In view of the above discussion, compensation is re-assessed as under:

	Particulars	Amount (in ₹)
1	Monthly income of the deceased assessed	₹ 2500x12x18= 5,40,000/-
2	40 % Future prospects	₹ 5,40,000/- + 2,16,000/- = ₹ 7,56,000/-
3	Compensation for 60% disability	₹ 4,53,600/-
4	Medical Expenses	₹ 50,000/-
5	Pain and Suffering	₹ 1,00,000/-
6	loss of marriage prospects	₹ 1,00,000/-
7	Compensation in respect of diet/medical attendant/transportation charges	₹ 50,000/-
8	Enhanced amount of compensation	₹ 753600 – ₹ 2,50,000/- = ₹ 5,03,600/-

8. The enhanced amount of compensation of ₹ 5,03,600/- shall be payable within a period of two months from the date of receipt of certified copy of this order. The enhanced amount of compensation shall carry interest @ 9% per annum from the date of filing of the claim petition, till its realization, in view of the judgment of Hon'ble the Supreme Court in the case of ***Dara Singh @ Dhara Banjara v. Shyam Singh Verma and others***, Civil Appeal No.4528 of 2019; decided on 1.5.2019. Remaining conditions of disbursal of amount shall remain unaltered.

9. Accordingly, the award stands modified to the above extent and the present appeal is allowed.

(RITU BAHRI)
JUDGE

02.09.2019
rajeev

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No